

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

MELVIN TAYLOR and DIANA E. TAYLOR,

Plaintiffs,

vs.

No. CIV 14-0989 JB/CG

L&P BUILDING SUPPLY OF LAS CRUCES, INC., individually and as successor-in-interest to L&P Building Supply; AMERICAN OPTICAL CORPORATION; CERTAINTEED CORPORATION; GEORGIA PACIFIC CORPORATION; HONEYWELL INTERNATIONAL, INC., f/k/a Allied Signal Inc., individually and as successor-in-interest to the Bendix Corporation; KAISER GYPSUM COMPANY, INC.; UNION CARBIDE CORPORATION; and KEENAN SUPPLY DIVISION,

Defendants.

FINAL JUDGMENT

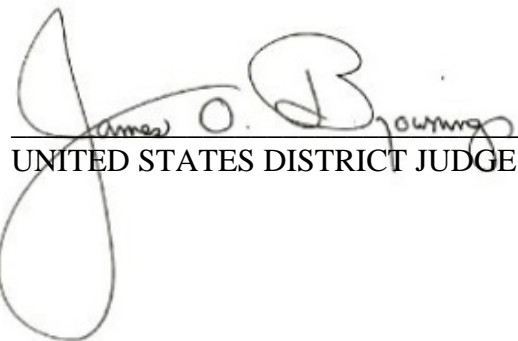
THIS MATTER comes before the Court on: (i) the Order of Dismissal of Defendant Kelly-Moore Paint Company, Inc., filed October 31, 2014 (Doc. 1-3)(“Kelly-Moore Order”); (ii) the Order of Dismissal of Defendant Ferguson Enterprises, Inc., Sued as Ferguson Enterprises, Inc., of Virginia, as Successor-in-Interest to and D/B/A Alamo Pipe & Supply, Inc. filed October 31, 2014 (Doc. 1-3)(“Ferguson Order”); (iii) the Order of Dismissal without Prejudice, filed October 31, 2014 (Doc. 1-3)(“El Paso Pipe Order”); (iv) the Stipulated Order of Dismissal with Prejudice as to Defendant Hajoca Corporation Only, filed December 4, 2014 (Doc. 37)(“Hajoca Order”); (v) the Stipulated Order of Dismissal with Prejudice as to Defendant Union Carbide Corporation Only, filed January 2, 2015 (Doc. 49)(“Union Carbide Order”); (vi) the Stipulated Order of Dismissal with Prejudice as to Defendant Kaiser Gypsum Company, Inc., filed

February 9, 2015 (Doc. 75)(“Kaiser Order”); (vii) the Stipulated Order of Dismissal with Prejudice as to Defendant American Optical Corporation Only, filed August 20, 2015 (Doc. 86)(“American Optical Order”); (viii) the Stipulated Order of Dismissal without Prejudice as to Defendant L&P Building Supply of Las Cruces Only, filed November 30, 2015 (Doc. 100)(“L&P Building Supply Order”); (ix) the Stipulated Order of Dismissal with Prejudice as to Defendant Georgia-Pacific Corporation Only, filed December 2, 2015 (Doc. 103)(“Georgia-Pacific Order”); (x) the Stipulated Order of Dismissal with Prejudice as to Defendant Certainteed Corporation Only, filed January 15, 2016 (Doc. 109)(“Certainteed Order”); and (xi) the Stipulated Order of Dismissal with Prejudice as to Defendant Honeywell International, Inc., Individually and as Successor-in-Interest to the Bendix Corporation, Formerly Known as Allied Signal, Inc., Successor Bendix, Only, filed February 29, 2016 (Doc. 110)(“Honeywell Order”).

In the Hajoca Order, the Court dismissed Defendant Hajoca Corporation, Keenan Supply Division, with prejudice, with each side to bear its own costs. See Hajoca Order at 1-2. In the Kelly-Moore Order, the Honorable Sarah M. Singleton, District Court Judge for New Mexico’s First Judicial District, dismissed Defendant Kelly-Moore Paint Company without prejudice, with each party to bear its own costs. See Kelly-Moore Order at 1. In the Ferguson Order, Judge Singleton dismissed Defendant Ferguson Enterprises, Inc., sued as Ferguson Enterprises, Inc., of Virginia, as successor-in-interest to and d/b/a Alamo Pipe & Supply, Inc., without prejudice, with each party to bear its own costs. See Ferguson Order at 1. In the El Paso Pipe Order, Judge Singleton dismissed Defendant El Paso Pipe & Pump Supply Co. without prejudice, with each side to bear its own costs. See El Paso Pipe Order at 1-2. In the Union Carbide Order, the Court dismissed Defendant Union Carbide Corporation from the case with prejudice, with each side to bear its own costs. See Union Carbide Order at 1. In the Kaiser Order, the Court granted

Defendant Kaiser Gypsum Company, Inc. and Plaintiffs Melvin Taylor and Diana Taylor's Unopposed Motion for Dismissal with Prejudice as to Defendant Kaiser Gypsum Company, Inc., filed February 5, 2015 (Doc. 74), and dismissed Kaiser Gypsum Company, Inc. from the case with prejudice. See Kaiser Order at 1. In the American Optical Order, the Court dismissed Defendant American Optical Corporation from the case with prejudice, with each side to bear its own costs. See American Optical Order at 1. In the L&P Building Supply Order, the Court dismissed Defendant L&P Building Supply of Las Cruces, Inc. from the case without prejudice, with each side to bear its own costs. See L&P Building Supply Order at 1. In the Georgia-Pacific Order, the Court dismissed Defendant Georgia-Pacific Corporation from the case with prejudice, with each side to bear its own costs. See Georgia-Pacific Order at 1. In the Certainteed Order, the Court dismissed Defendant Certainteed Corporation from the case with prejudice, with each side to bear its own costs. See Certainteed Order at 1. In the Honeywell Order, the Court dismissed Defendant Honeywell International, Inc. from the case with prejudice, with each side to bear its own costs. See Honeywell Order at 1. Having resolved all claims and issues before the Court, the Court dismisses the case.

IT IS ORDERED that this action is dismissed, and final judgment is entered.



UNITED STATES DISTRICT JUDGE

Counsel:

Zackeree S. Kelin
Kelin Law Firm, P.C.
Albuquerque, New Mexico

--and--

Jeffrey A. Kaiser
Joshua O. Reed
Kaiser Gornick, LLP
Walnut Creek, California

Attorneys for the Plaintiffs

Gilbert Houston Frith
Trace L. Rabern
The Frith Firm
Santa Fe, New Mexico

Attorneys for Defendant L&P Building Supply of Las Cruces, Inc.

Spencer L. Edelman
Tim L. Fields
Modrall, Sperling, Roehl, Harris & Sisk, P.A.
Albuquerque, New Mexico

Attorneys for Defendant American Optical Corporation

Spencer L. Edelman
Michelle A. Hernandez
Modrall, Sperling, Roehl, Harris & Sisk, P.A.
Albuquerque, New Mexico

--and--

Mary Price Birk
Ronald L. Hellbusch
Baker & Hostetler, LLP
Denver, Colorado

Attorneys for Defendants Certainteed Corporation and Union Carbide Corporation

Tonn K. Petersen
Perkins Coie LLP
Boise, Idaho

Attorneys for Defendants Georgia Pacific Corporation and Honeywell International, Inc.

Kurt B. Gilbert
Tyler M. Cuff
Rodey, Dickason, Sloan, Akin & Robb P.A.
Albuquerque, New Mexico

Attorneys for Defendant Kaiser Gypsum Company, Inc.

Thomas R. Mack
Miller Stratvert P.A.
Albuquerque, New Mexico

Attorney for Defendant Kelly Moore Paint Company, Inc.